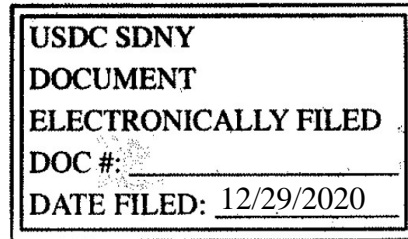


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
MELISSA MINISCI,

Plaintiff,

-against-

MAGNA HOSPITALITY GROUP, et al.,

Defendants.
-----X

20-CV-7982 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

On September 25, 2020, Plaintiff filed this action against Defendants Bridge Hotel Group, Element By Westin Times Square d/b/a Element New York Times Square West, Mark Kulekci, and Magna Hospitality Group. (Doc. 1.) Plaintiff obtained a summons on September 30, 2020. (Doc. 7.) To date, Plaintiff has not filed an affidavit of service on Element By Westin Times Square. Accordingly, it is hereby:

ORDERED that, no later than January 5, 2021, Plaintiff shall submit a letter of no more than three (3) pages, supported by legal authority, demonstrating good cause as to why Element By Westin Times Square should not be dismissed from this action pursuant to Federal Rule of Civil Procedure 4(m). “Good cause is generally found only in exceptional circumstances where the plaintiff’s failure to serve process in a timely manner was the result of circumstances beyond its control.” *E. Refractories Co. v. Forty Eight Insulations, Inc.*, 187 F.R.D. 503, 505 (S.D.N.Y. 1999) (internal quotation marks omitted). “District courts consider the diligence of plaintiff’s efforts to effect proper service and any prejudice suffered by the defendant as a consequence of the delay.” *Id.* (internal quotation marks omitted). “An attorney’s inadvertence, neglect, mistake or misplaced reliance does not constitute good cause.” *Howard v. Klynveld Peat Marwick*

Goerdeler, 977 F.Supp. 654, 658 (S.D.N.Y.1997) (citing *McGregor v. United States*, 933 F.2d 156, 160 (2d Cir.1991), *aff'd*, 173 F.3d 844 (2d Cir.1999)). Plaintiff is warned that failure to submit a letter and to demonstrate good cause for failure to serve Defendant Element By Westin Times Square within ninety days after the complaint was filed will result in dismissal of Element By Westin Times Square from this action.

SO ORDERED.

Dated: December 29, 2020
New York, New York

A handwritten signature in black ink, reading "Vernon Broderick". The signature is written in a cursive, slightly stylized font. The first letter "V" is large and prominent. The signature is written over a horizontal line.

Vernon S. Broderick
United States District Judge